IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 14806 of 2004

Between:

S.Lakshmi Narayana S/o. Lakshmaiah
R/o. D.No.13/544, Sivayam Street Proddatur, Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa District, Kadapa.
2 The Special Tahsildar, National Savings Scheme-cum-small Savings
O/o. District Collector, Kadapa.
3 The Mandal Parishad Development Officer, Proddatur Kadapa District.
4 P.Soma Sekhar Reddy S/o.Not known to petitioner
Postal SAS Agent and Association President R/o. Modampalli, Proddatur, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in canceling the petitioner's postal licence bearing C.A.No.1996 by the Proceedings of the 3rd respondent in his Rc.No.A/181/2004 dated 12.7.2004 basing on a motivated enquiry report dated:7.5.2004 as illegal unjust, arbitrary, discriminatory, extraneous, highhanded, misuse of official power and against the principles of natural justice and consequently set aside the orders of the 3rd respondent in his Rc.No.A/181/2004, dated 12.7.2004, by directing the respondents to pay back Rs.20,000/- taken from the petitioner.

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR.N.PARAMESHWARA REDDY, Additional Standing Counsel for Central Government

Counsel for the Respondent No.3: MR.D.SRINIVAS

Counsel for the Respondent No.4: None

The Court at the stage of admission made the following ORDER:

The petitioner was an agent for collection of deposits from the depositors under Standard Agency System. A complaint was made by a depositor viz., Smt. Lakshmi Devi to the authorities against the petitioner stating that the petitioner collected a sum of Rs.20,000/- but provided deposit certificate only for Rs.2,000/-. Based upon the said complaint, enquiry was conducted and during the course of enquiry, the petitioner himself agreed to refund the said amount from the incentives receivable by him and accordingly, the matter was compromised. Consequently, his licence was terminated by the impugned proceedings dated
07-05-2004.

Learned counsel for the petitioner is not in a position to state about the right of the petitioner to continue him as an agent and requires to be entitled to a notice before his termination. In the absence of the said requirement, mere appointment and termination of an agent cannot be the subject matter to invoke jurisdiction of this Court under Article 226 of the Constitution of India. Petitioner's right, if any, to enforce his postal license of his appointment, he has to approach the competent civil court for appropriate relief.

The writ petition is accordingly dismissed. No costs.

20th AUGUST, 2004.

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To

1 The District Collector, Kadapa District, Kadapa.
2 The Special Tahsildar, National Savings Scheme-cum-small Savings
O/o. District Collector, Kadapa.
3 The Mandal Parishad Development Officer, Proddatur Kadapa District.
4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.